

ASSEMBLY BILL

No. 1378

Introduced by Assembly Member Lieber

February 22, 2005

An act to add Section 854.1 to the Government Code, and to add Section 4474.2 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1378, as introduced, Lieber. Developmental services facilities.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. Existing law requires the department to develop a plan for the proposed closure of any developmental center.

This bill would authorize the department to operate any facility or provide employees to assist in the operation of any facility or to assist in meeting the goal of providing services and supports to persons with developmental disabilities.

Existing law sets forth the rules relating to the liability of government agencies for tort injury caused by the action or omission of its officers or employees, including, but not limited to, the operation of mental institutions or medical facilities.

This bill would define “mental institution” or “medical facility” for this purpose to also include a developmental services facility, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 854.1 is added to the Government Code,
2 to read:
3 854.1. As used in this chapter, the terms “mental institution”
4 or “medical facility” also include a developmental services
5 facility. For the purposes of this chapter “developmental services
6 facility” means any facility or place where a public employee
7 performs his or her duties related to the provision of
8 developmental services relating to the closure of Agnews
9 Developmental Center.
10 SEC. 2. Section 4474.2 is added to the Welfare and
11 Institutions Code, to read:
12 4474.2. Notwithstanding any provision of law to the contrary,
13 and subject to the limits set forth in the closure plan for Agnews
14 Developmental Center submitted to the Legislature pursuant to
15 Section 4474.1, the department may operate any facility or
16 provide its employees to assist in the operation of any facility if
17 in the discretion of the department it determines that the activity
18 will assist in meeting the goal of providing services and supports
19 to persons with developmental disabilities as necessary to an
20 orderly closure of the developmental center and transition of its
21 residents. The activity may include, but need not be limited to,
22 entering into a contract for the use of departmental employees to
23 provide direct services at any point in the continuum of services
24 in which they will best serve that goal.